

DOCKET NOS. 2017-207-E, 2017-305-E, AND 2017-370-E

IN RE: Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

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however, pertains to discovery requests seeking information and materials that relate exclusively to SCE&G and are solely in its possession. As noted in footnote 1 in Joint Applicants' Response to ORS's Motion to Compel, Dominion Energy joined in the response as a Joint Applicant, but deferred to SCE&G on the substantive discovery issues, almost all of which related to SCE&G's abandonment of the V.C. Summer Units 2 & 3 Project (the "NND Project"). Dissatisfied with SCE&G's response, ORS now seeks sanctions collectively against both Joint Applicants. Dominion Energy continues to assert that it is not in possession of any information or materials responsive to ORS's underlying discovery requests that it has not already produced, and is therefore not properly subject to a motion to compel or sanctions.

ORS's motion seeks sanctions for an alleged failure to produce documents in two primary categories: (1) the so-called "Bechtel Documents" relating to SCE&G's consultation with Bechtel Corporation during the construction of the NND Project; and (2) information and materials responsive to ORS Request No. 5-26, which pertains to information regarding SCE&G's decision to abandon the NND Project. Both of these requests seek information about SCE&G's management of the NND Project. Dominion Energy was not involved in this management, and does not have any responsive information or materials to produce with respect to these matters even if it were compelled to do so. In short, Dominion Energy continues to defer to SCE&G with respect to the production of information and documentation responsive to ORS's discovery requests, as well as the assertion of any applicable privileges, and supports SCE&G's position that an order compelling discovery or imposing sanctions in this matter would be inappropriate.

Wherefore, Dominion Energy respectfully requests that the Commission deny ORS's Motion to Sanction Joint Applicants and to Compel Production of Wrongfully Withheld Documents in Joint Applicants' Privilege Log, and for such other and further relief as it deems just and proper.

Respectfully submitted,

s/ J. David Black

J. David Black
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
(803) 540-2072
dblack@nexsenpruet.com

Lisa S. Booth*
Dominion Energy Services, Inc.
120 Tredegar Street
P.O. Box 26532
Richmond, VA 23261-6532
(804) 819-2288
lisa.s.booth@dominionenergy.com

Joseph K. Reid, III*
Elaine S. Ryan*
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
(804) 775-1198 (JKR)
(804) 775-1090 (ESR)
jreid@mcguirewoods.com
eryan@mcguirewoods.com

**Application for Admission Pro Hac Vice
forthcoming*

Attorneys for Dominion Energy, Inc.

Richmond, Virginia

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